

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
REPLY BRIEF**

77-2071

MAR 13 1978

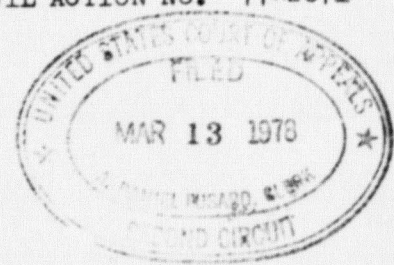
IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

ANTONIO REYES,
Appellant,

-VS-

UNITED STATES OF AMERICA,
Appellee.

CIVIL ACTION NO. 77-2071



B

TRAVERSE OF APPELLANT

Comes now, Antonio Reyes, the appellant in response to the Brief and Appendix for the United States, and does hereby reiterate and point out to this Honorable Court the discrepancies of the case.

At trial, Detective Petraglia testified at Tr. 103-04-05 that agent Rodriguez had to translate for him at time of arrest and thereafter.

The record does not indicate that there was an interpreter present during the trial.

In answer to the argument of the government, concerning the delay in time for this action, Mr. Reyes has been transferred from one institution to another for medical treatment and being unable to converse with other inmates in English, had no way to communicate his problem with 'jailhouse lawyers' & the jailhouse lawyer who had started this action in Mr. Reyes' behalf, was transferred to another institution, and the better jailhouse lawyers are being detained in the segregation unit of the institution at present, with further segregation throughout the institution to prevent communication between them and inmates who are now schooled in law, thus delays beyond which Reyes has no control.

As for communication with appointed counsel, even English speaking defendants have little or no communication for counsel usually reads the indictment and decides therefrom that there is no need to converse with their client, thus any lack of communication would not be in serious debate for the defendant is unaware that he should take part in his own defense, until well after incarceration commences. To reiterate however, it is clear from the testimony of the agents that Reyes conversations were translated by agent Rodriguez.

Mr Reyes could hardly have intelligently waived his rights when he was unaware of what rights he had. Further, one can not waive constitutional rights guaranteed under the constitution.

The writer of this brief (traverse) can not understand one word of spoken Spanish, but can read it to a point of understanding the meaning set forth. It is suggested that a non-Spanish Judge of the Circuit Court try this for his own enlightenment and he will discover that he too can read it.

It must further be observed that Reyes could not have been kept abreast of the proceedings even had an interpreter been present with the assembly-line justice (speed of proceedings) and with the constant interruptions of the Court.

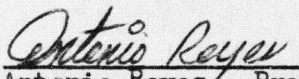
It is quite obvious that Reyes in the taped telephone call with Reyes speaking and answering in Spanish and agent Rodriguez speaking English that the barrier of languages was strong by the colloquy, i.e., Huh?, What?, etc.

Appellant Reyes is not schooled in law and was not aware of what was happening in the direct appeal and was unaware until months after his trial just what had happened. It should be noted that a defendant should not be 'tricked' into a conviction by either the naivete of the defendant nor the unskilled attorney who does not suspect 'dirty tricks' from his opponent in the Courtroom. Thus the delay of this appeal.

Petitioner would request that the case be heard on the record for the most part with the statements herein as supplement. If the Court wishes to have the Memo from the staff at Lewisburg notarized, this can be arranged. It should further be noted that this Memo was written by a member of the Dept. of Justice and one who the U.S. Attorney would defend in any manner deemed necessary if he were a defendant, and now called untruthful to negate the facts of this case.

Mr. Reyes has indeed a 4th grade reading ability, but had not advanced to that level in the understanding of the English language.

Respectfully Submitted


Antonio Reyes. Pro Se

Dated March 7, 1978

Lewisburg Penna. Union County

cc: United States Attorney
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